

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 95-041-T - ORDER NO. 95-1006 ✓

APRIL 28, 1995

IN RE: Application of Allen Leroy Hickman, Jr.)
 dba Allen's Moving Company, 305 Savanna) ORDER
 Woods Lane, West Columbia, SC 29170, for) GRANTING
 a Class E Certificate of Public) CERTIFICATE
 Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Allen Leroy Hickman, Jr. dba Allen's Moving Company (the Applicant) for a Class E Certificate of Public Convenience and Necessity to render Motor Freight Service over irregular routes only as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1): Between points and places in South Carolina.

At the time of the hearing, the Applicant's name and territory were amended to read as follows:

Application of Leroy Allen Hickman, Jr. dba Hickman's Moving Company, 305 Savanna Woods Lane, West Columbia, South Carolina 29170 for a Class E Certificate to transport:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1): Between points and places in Lexington and Richland Counties.

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Applicant to cause to be published a prepared Notice of Filing in certain newspapers of general circulation in the State of South Carolina. The Notice of Filing

indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time of which to file the appropriate pleadings. Petitions to Intervene were filed by Smith Dray Line & Storage Co., Inc., Carey Moving & Storage of Greenville, Inc., Carey Moving & Storage, Inc., Arrow Moving & Storage, Inc., and City View Transfer & Storage, Inc.

Accordingly, a hearing was held on April 19, 1995, at 10:30 a.m. in the offices of the Commission with the Honorable Rudolph Mitchell, Chairman, presiding. Hickman appeared pro se; F. David Butler, General Counsel, represented the Commission Staff.

Hickman presented testimony that he has purchased necessary equipment to provide the service for which he is applying and that he has appropriate insurance on said equipment. Further, he testified that he is aware of the Commission's insurance requirements and the cost associated therewith. Clearly, Hickman is willing to provide the service under the authority sought. The Applicant did state, however, that at present, he had acquired an unsatisfactory safety rating from the South Carolina Department of Public Safety. Applicant testified that he was to be inspected once more very soon, however. The Applicant appeared to have no outstanding judgments pending against him and he appears to be familiar with all statutes and regulations governing for-hire motor carrier operations in South Carolina.

Scott Dickerson of Smith Dray Line appeared and stated that to the best of his knowledge, none of the Intervenors objected to the Applicant performing the service sought between points and places

in Lexington and Richland Counties.

Upon consideration of the amended Application, the representations contained therein, and the documentary evidence attached thereto and the testimony presented, the Commission finds that the Applicant is willing and able to perform the service to the public under the authority sought. The Commission does find that the Applicant is generally fit to perform the service to the public under the authority sought with the exception of possessing a satisfactory safety rating. The Commission believes, however, that if the Applicant remedies the unsatisfactory safety rating, that he will satisfy the qualifications set forth by Regulation 103-133 and the criteria contained therein for "fit" "able" and "willing." The Commission also finds that the granting of the Certificate is required by Public Convenience and Necessity.

IT IS THEREFORE ORDERED THAT:

1. The Application, as amended, for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved contingent on the Applicant acquiring a satisfactory safety rating from either USDOT and/or The South Carolina Department of Public Safety.
2. The Applicant file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et. seq. (1976, as amended) and by R.103-100 - R.103-280 the Commission Rules and Regulations for Motor Carriers within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. Upon compliance with S.C. Code Ann. §58-23-10 et. seq.

(1976, as amended) and the applicable regulations, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. Prior to compliance of such requirements and receipt of a certificate, the motor carrier services offered herein may not be provided.

5. Should the Applicant fail to gain a satisfactory safety rating, the Certificate shall not be granted.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)